

TITLE 2800 - MINERALS MANAGEMENT

2818-

2818.03 - Policy. The Forest Service must prevent and eliminate unauthorized use and occupancy of National Forest System lands.

The use of an unpatented mining claim for a recreational activity (such as gold panning) by a person who pays a fee to the holder of the unpatented mining claim is not authorized under the general mining law.

The Forest Service regulations governing special uses require a permit before National Forest lands can be used for commercial purposes (36 CFR 251.50(a) and (c) and 261.10(c)).

If commercial use of unpatented mining claims is discovered, the District Ranger has the following options:

1. Criminal Prosecution. A violation notice could be issued under the Petty Offense regulation 36 CFR 251.50(a) and (c), 261.10(c), and 261.9(b).
2. Injunctive Relief. You may, if the damage is significant enough, proceed through a Federal district court judge and acquire an injunction against the individual from doing further damage to the resource.
3. Mineral Contest. Conduct a mineral examination and, if the claim appeared to be invalid, a complaint could be issued by the Interior Department to begin the process of having the claim declared null and void. This is a time consuming process and might still require action in the Federal courts to implement a decision in favor of the Government.